

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

SHEILA G. RICHARDSON,

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:05CV200-P-B

**JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL
SECURITY,**

DEFENDANT.

FINAL JUDGMENT

This matter comes before the court upon the U.S. Magistrate Judge's Report and Recommendation [18-1] that the Commissioner's denial of Title II disability benefits under the Social Security Act be affirmed. After due consideration of the Report and Recommendation and the parties' arguments, the court finds as follows, to-wit:

The court filed Report and Recommendation on March 13, 2007 wherein the plaintiff was given until March 27, 2007 to file any objections thereto. As of today, no such objections have been filed, nor has the plaintiff sought additional time to file objections.

In any event, the court finds the Report and Recommendation well-taken. The plaintiff's insured status expired on September 30, 2000. She is required to prove that she was disabled prior to that date and any degeneration in her health after September 30, 2000 is immaterial to the Commissioner's determination of benefits. As stated more fully in the Report and Recommendation, the denial of benefits must be based on substantial evidence. Furthermore, this court may not reweigh the evidence, try the issues *de novo*, or substitute its judgment for the Commissioner's. *Selders v. Sullivan*, 914 F.2d 614, 617 (5th Cir. 1990). The undersigned agrees with the Report and Recommendation that the denial of benefits to the plaintiff was based on substantial evidence that

she was not disabled to the degree required by Title II prior to September 30, 2000.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The court agrees with the U.S. Magistrate Judge's Report and Recommendation [18-1] and therefore adopts and incorporates it herein as the opinion of the court; therefore,

(2) The Commissioner's decision to deny Title II disability benefits to the plaintiff is **AFFIRMED**; and

(3) This case is **CLOSED**.

SO ORDERED this the 28th day of March, A.D., 2007.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE